

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

MAURICE FRANCIS FOLEY

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Criminal Action No. 04-36 Erie

ORDER

AND NOW, this 23rd day of December, 2005, upon consideration of the Defendant, Maurice Francis Foley's Motion for the Return of Seized Property [Doc. No. 207], and the Government's Response thereto [Doc. No. 213],

IT IS HEREBY ORDERED that the Motion is DENIED. The record reflects that the Defendant perfected an appeal to the United States Court of Appeals for the Third Circuit on August 5, 2005, thereby divesting this Court of jurisdiction. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (citations omitted); Sheet Metal Workers' International Assoc. Local 19 v. Herre Bros., Inc., 198 F.3d 391, 394 (3rd Cir. 1999).

s/ Sean J. McLaughlin
United States District Judge

cc: All parties of record